



750 Lexington Avenue
New York, New York 10022
Tel: (212) 333-0200
Fax: (212) 333-2350

June 7, 2016

VIA: ECF and E-MAIL

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004-1408

Re: *Picard v. Mendelow et al.*, Adv. Pro. No. 10-04283 (SMB)

Dear Judge Bernstein:

We write to alert the Court that we learned today of the deeply unhappy circumstance of our client Steven Mendelow's passing. We note that there was concern at the hearing held in connection with the Trustee's motion for leave to amend relating to the prejudice occasioned by the Trustee's failure to seek such relief earlier. The Court suggested that at least a potential factor mitigating this prejudice was that Mr. Mendelow would be available to testify even though Mr. DePascali is not. *See* Transcript of March 16, 2016 Hearing, Doc. No. 98, at 85:17-21. With great regret, we thought it appropriate to advise Your Honor that this is no longer a possibility.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Stanley S. Arkin', is written over a printed name.

Stanley S. Arkin

cc: Counsel for Plaintiff